

90th Legislative Session – 2015

Committee: House Judiciary

Wednesday, February 04, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Hunt
P Johns
P DiSanto
P Haugaard
P Langer
P Latterell
P Peterson (Kent)
P Russell
P Westra
P Gibson
P Killer
P Stevens, Vice-Chair
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 30, 2015

Moved by: Gibson
Second by: Hunt
Action: Prevailed by voice vote.

SB 12: allow the spouse of an active duty military person to qualify as a resident for a temporary permit to carry a concealed pistol.

Presented by: Marty Jackley, Attorney General

MOTION: DO PASS SB 12

Moved by: Stevens
Second by: Hunt
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Hunt, Johns, DiSanto, Langer, Latterell, Peterson (Kent), Russell, Gibson, Killer, Stevens, Mickelson

Excused: Haugaard, Westra

MOTION: PLACE SB 12 ON CONSENT CALENDAR

Moved by: Langer
Second by: Latterell
Action: Prevailed by voice vote.

HB 1128: protect certain homestead exemption interests during sale of homestead or separation of owners.

Presented by: Representative Steve Hickey (Handouts: #1)
Proponents: Jim Craig, Self
Opponents: Forrest Allred, Self
LeAnn Pierce, Self - telephone testimony
Drew Duncan, South Dakota Collectors Association

MOTION: DO PASS HB 1128

Moved by: Hunt
Second by: Johns
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1128 TO THE 41ST LEGISLATIVE DAY

Moved by: Gibson
Second by: Killer
Action: Failed by roll call vote. (1-10-2-0)

Voting Yes: Gibson

Voting No: Hunt, Johns, DiSanto, Langer, Latterell, Peterson (Kent), Russell, Killer, Stevens, Mickelson

Excused: Haugaard, Westra

THE MOTION TO DO PASS HB 1128

Moved by: Hunt

Second by: Johns

Action: PREVAILED BY ROLL CALL VOTE. (10-2-1-0)

Voting Yes: Hunt, Johns, DiSanto, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Killer, Stevens

Voting No: Gibson, Mickelson

Excused: Westra

HB 1129: revise the property exempt from process in bankruptcy cases.

Presented by: Representative Steve Hickey

Proponents: Jim Craig, Self

Opponents: Forrest Allred, Self (Handouts: #2, #3, #4)

LeAnn Pierce, Self - telephone testimony

Drew Duncan, South Dakota Collectors Association

Brett Koenecke, South Dakota Bankers Association

Gavel passed to Vice-Chairman

MOTION: AMEND HB 1129

1129ra

On page 2, line 14, of the printed bill, delete ":" and insert ".".

On page 2, delete lines 15 and 16.

Moved by: Mickelson

Second by: Russell

Action: Prevailed by voice vote.

MOTION: AMEND HB 1129

1129rb

On page 2, line 9, of the printed bill, delete "interests in motor vehicles" and insert "an interest

in a motor vehicle".

Moved by: Hunt
Second by: Langer
Action: Prevailed by voice vote.

MOTION: AMEND HB 1129

1129rc

On page 2, line 9, of the printed bill, delete "five" and insert "two thousand five hundred".

On page 2, line 10, delete "thousand".

Moved by: Mickelson
Second by: Latterell
Action: Failed by voice vote.

MOTION: DO PASS HB 1129 AS AMENDED

Moved by: Hunt
Second by: Stevens
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Hunt, Johns, DiSanto, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Gibson, Killer, Stevens, Mickelson

Excused: Westra

Gavel passed back to Chairman

HB 1134: revise certain provisions concerning the expungement of arrest records.

Presented by: Representative Dan Kaiser
Proponents: Senator Arthur Rusch
Lindsey Riter-Rapp, South Dakota Association Of Criminal Defense Lawyers
Roger Tellinghuisen, SD Trial Lawyers Association
Opponents: Paul Bachand, SD State's Attorneys Association
Mike Moore, Self
Marty Jackley, Attorney General

MOTION: DO PASS HB 1134

Moved by: Stevens
Second by: Latterell
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1134

1134rb

On page 1, line 9, of the printed bill, overstrike "the entire" and insert "all or the remainder of the".

Moved by: Haugaard
Action: Died for lack of a second.

THE MOTION TO DO PASS HB 1134

Moved by: Stevens
Second by: Latterell
Action: PREVAILED BY ROLL CALL VOTE. (9-3-1-0)

Voting Yes: Johns, DiSanto, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Stevens, Mickelson

Voting No: Hunt, Gibson, Killer

Excused: Westra

MOTION: ADJOURN

Moved by: Stevens
Second by: Gibson
Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

G. Mark Mickelson, Chair